

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 09 2004

Re: Heinrich Lang, et al

Serial No.: 10/643,163

Filed: 08/18/2003

For: CARRIER PLATE FOR MIRROR
ASSEMBLY

Examiner: Assaf, Fayez G.

Group Art Unit: 2872

OFFICIAL

Docket No.: LMX-62-CPA-CON-2

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

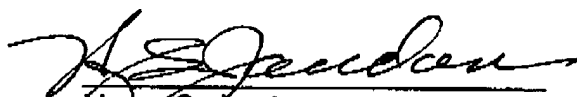
Dear Sir:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the United States Patent Office (fax number 1-703-872-9306) on the date shown below:

1. Request for Withdrawal of the Final Rejection of 7/27/04 as Being Premature.

Respectfully submitted,



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Date: 8-9-04

Pages: 3

By: 

GREENVILLE 191831v1

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Dear Sir:

Request for Withdrawal of the Final Rejection of 7/27/04
As Being Premature

The PTO Action of 7/27/04 is incomplete, which renders the holding of Final Rejection premature for the following reasons:

(1) The Examiner failed in the rejection to refer to method steps taught or disclosed in the lone reference to Catlin, et al which teach the method steps set forth in method claims 6-10. The rejection merely sets forth apparatus.

(2) The Examiner fails to refute each specific limitation in the claims referred to in the remarks of the response to the last office action which are indicated as distinguishing the claims over the reference of the rejection. MPEP706.01 clearly requires such statements in order for a PTO action to be complete.

(3) The Final Action states on page 4 "The Examiner agrees with Applicant that claims 6 and 10 define over the reference of Catlin, et al if taken alone."

As Catlin, et al is the sole reference of the rejection, it appears the Examiner

GREENVILLE 191824v1

agrees that the claims are allowable.

The rejection states that "Claims 2-10 and 12 are rejected under 35 USC 103(a) as being unpatentable over Catlin, et al." No additional reference is referred to in the rejection.

It is believed that claims 2-10 and 12 clearly patentably define over the reference to Catlin, et al for the reasons set forth in the response to the PTO Action of 4/15/04.

It is further believed that the Final Rejection of 7/27/04 is premature and improper for the reasons set forth above.

Accordingly, it is earnestly requested that upon reconsideration the Final Rejection be withdrawn, the claims found allowable, and the case passed to issue in the due course of PTO business.

As in the response of 05/03/04, a telephone interview is requested should the Examiner feel it could advance the prosecution of the application.

Respectfully submitted,



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